

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ORDER for ATTORNEY'S FEES

PROUD, Magistrate Judge:

Before the Court is plaintiff's Petition for Award of Attorney Fees Pursuant to the Equal Access to Justice Act. (**Doc. 31**).

Plaintiff seeks an award of \$4,137.50 in fees and \$400.00 in expenses, representing the filing fee. Defendant's response to the motion states that the parties have agreed that plaintiff is entitled to \$4,137.50 for attorney's fees, but does not address the \$400.00 in expenses. See, **Doc. 33.**

The Court finds that plaintiff is the prevailing party and is entitled to an award of attorney's fees and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate, and that defendant has waived any objection she might have to the request for expenses.

Plaintiff's Petition (**Doc. 31**) is **GRANTED**. The Court awards plaintiff Ronald D. Potts the sum of **\$4,137.50** (four thousand, one hundred thirty-seven

dollars and fifty cents) for attorney's fees, and **\$400.00** (four hundred dollars) for expenses pursuant to the Equal Access to Justice Act. These funds are payable to plaintiff, per *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010). However, any part of the award that is not subject to set-off to pay plaintiff's pre-existing debt to the United States shall be made payable to plaintiff's attorney pursuant to the EAJA assignment previously executed by plaintiff and his attorney.

IT IS SO ORDERED.

DATE: December 29, 2015.

**s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE**